



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

April 6, 2007

INSPECTOR GENERAL INSTRUCTION 5545.1

PARTICIPATION IN CONGRESSIONAL ACTIVITIES

FOREWORD

This Instruction has been revised to update policy, instructions, and responsibilities for the participation of the Department of Defense Office of Inspector General in congressional activities.

The Inspector General policy is to cooperate with the members of Congress and their staffs to the fullest extent possible in accordance with the Inspector General Act of 1978, as amended, and the needs and requirements of the Department of Defense and of the Office of Inspector General.

This Instruction is effective immediately.

FOR THE INSPECTOR GENERAL:

A handwritten signature in black ink, appearing to read "SD Wilson", is positioned above the printed name.

Stephen D. Wilson
Assistant Inspector General for
Administration and Management

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PARTICIPATION IN CONGRESSIONAL ACTIVITIES

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CHAPTER 1 GENERAL

A. **Purpose.** Updates the Department of Defense Office of Inspector General (DoD OIG) policy and procedures for participating in congressional activities.

B. **References.** See Appendix A.

C. **Cancellation.** This instruction cancels IGDR 5545.1, *Participation in Congressional Activities*, July 18, 1994.

D. **Applicability.** This Instruction applies to the Inspector General (IG), the Principal Deputy Inspector General (PDIG), Deputy Inspectors General (DIGs), the Assistant Inspectors General (AIGs), and all OIG assigned staff and offices; hereafter referred to collectively as the OIG Components.

E. **Policy**

1. In accordance with the IG Act of 1978, as amended (reference (a)) and DoD Directive 5106.1 (reference (b)), the OIG shall keep Congress fully and currently informed through the Semiannual Report to Congress and other methods, concerning fraud and other serious problems, abuses, and deficiencies relating to the administration of programs and operations administered or financed by the DoD, recommend corrective action concerning such problems, abuses, and deficiencies, and report on the progress made in implementing such corrective action.

2. Pursuant to section 2.2 of reference (c), nothing in that directive shall be construed as preventing the Inspector General from fulfilling his or her duties pursuant to the Inspector General Act.

3. The Office of Communications and Congressional Liaison (OCCL) shall be the OIG focal point for congressional relations.

F. **Responsibilities**

1. The **IG** shall provide policy direction regarding relations with the Legislative Branch.

2. The **AIG-OCCL** shall be responsible for overseeing implementation of the policy direction regarding the participation in congressional activities.

3. The **AIG-OCCL** and the **OCCL** shall implement policy direction, provide advice, and report to the IG and the PDIG.

4. The **AIG-OCCL** shall supervise the OCCL to ensure the implementation of established policies and procedures in dealing with the Congress.

5. The **OCCL** shall:

- a. Prepare the Semiannual Report to Congress.
- b. Receive and track incoming congressional correspondence and other inquiries.
- c. Arrange and prepare summary reports regarding congressional meetings involving the OIG.
- d. Alert the OIG to relevant pending legislation and provide comments, as appropriate.
- e. Provide the OIG with pre-hearing and post-hearing support, to include clarifying with congressional staff the key issues to be addressed at hearings, obtaining security reviews as necessary of proposed OIG testimony, distributing statements to appropriate DoD and congressional officials, and ensuring timely edits of transcripts of the OIG testimony.

6. The **OIG Components** shall:

- a. Carry out the policies and procedures contained in this Instruction.
- b. Promptly notify the OCCL of congressional information requests.

CHAPTER 2 CONGRESSIONAL ACTIVITIES

A. Semiannual Report to Congress

1. The AIG-OCCL is responsible for coordinating and preparing Semiannual Reports to Congress required by Section 5 of the IG Act (reference (a)). The Semiannual Reports to Congress summarize the activities of the OIG during the 6-month periods ending March 31 and September 30 of each year.
2. The OIG Components shall provide information summarizing the OIG activities to the OCCL.
3. The DIG for Inspections and Policy shall review and coordinate on information provided by the Defense Contract Audit Agency on the number and types of contract audits as required by Section 8(f)(1) of the IG Act (reference (a)).
4. The DIG for Intelligence shall prepare and coordinate the classified annex to the Semiannual Reports to Congress. The classified annex shall summarize the activities of the Inspectors General and the audit agencies within the DoD that pertain to intelligence-related or classified and sensitive subjects.
5. The AIG-OCCL shall ensure that the Semiannual Report to Congress is prepared and transmitted to the Office of the Secretary of Defense or Deputy Secretary of Defense by April 30 and October 31 of each year, along with a proposed transmittal letter to be signed by the Secretary or Deputy Secretary.

B. Congressional Reporting Requirements

1. The AIG-OCCL reviews legislation and reports to identify congressional reporting requirements assigned to the OIG or issues that could affect ongoing OIG projects.
2. The AIG-OCCL shall distribute pending legislation for comment, as appropriate.
3. The OIG Components are responsible for reviewing the proposed legislation and providing those comments to the OCCL within prescribed timeframes.
4. The AIG-OCCL shall initially task an OIG Component action on reporting requirements contained in final legislation and report language. The IG or the DIG shall make the final determination on any disputed tasking.
5. The OIG Components are responsible for preparing reports within the required timeframes.

C. Congressional Correspondence

1. The AIG-OCCL receives all correspondence from congressional offices, including correspondence referred from other DoD Components, the White House, and the Government Accountability Office (GAO).

2. The AIG-OCCL and the OCCL ensure that congressional correspondence is tasked to an OIG Component for action. The OCCL shall prepare a letter to the congressional member's office, acknowledging receipt of his/her correspondence.

3. If action is not accepted, the OIG Component must notify the OCCL within 3 days of receipt of the tasking, in writing or through e-mail. The OCCL shall work with the OIG Component to implement an alternative disposition. Tasked correspondence items are assumed accepted, unless OCCL is notified otherwise.

4. The OIG Components are responsible for preparing complete and accurate interim and final responses to congressional correspondence. The responses should provide as much information as possible within the guidelines of the Freedom of Information Act (FOIA) and the Privacy Act (PA). The OIG Components are responsible for the proper security classification of responses and enclosures and for appropriate PA and For Official Use Only (FOUO) markings and warnings in accordance with references (d), (e), (f), and (g).

5. The first interim response is generally due to the OCCL 14 days after the date of the acknowledgement letter. Thereafter, interim responses are due every 90 days after the date of the previous response (120 days for the Defense Criminal Investigative Service (DCIS)) until a final response is issued. All responses should be prepared for signature by the AIG-OCCL. The OCCL shall advise the OIG Components when the signature block should be changed for signature by the IG. Appendix B contains a flowchart detailing the congressional correspondence process.

6. The OCCL shall track the status of all congressional correspondence to ensure OIG Components meet their assigned suspense dates, and review proposed responses to determine if OIG Components fully addressed the issues raised in the congressional correspondence. In determining action required by the OIG Components, the OCCL shall obtain additional information from congressional staff, as appropriate.

7. The OCCL is responsible for maintaining a system of records for correspondence received from congressional offices.

D. Providing the Office of Inspector General Work Products to Congress

1. The OIG policy is to provide the widest dissemination of the OIG reports without compromising the DoD national security interest. Appendix C contains a matrix detailing the distribution of the OIG work products to Congress.

2. The OIG Components should provide all OIG audit, inspection, and evaluation reports to the chairmen and ranking minority members of the six principal congressional oversight committees, except for Top Secret (TS) and Sensitive Compartmented Information (SCI) (See Appendix C). The principal congressional oversight committees are:

- a. Senate Committee on Appropriations, Subcommittee on Defense
- b. Senate Committee on Armed Services
- c. Senate Committee on Homeland Security and Governmental Affairs
- d. House Committee on Appropriation, Subcommittee on Defense
- e. House Committee on Armed Services
- f. House Committee on Oversight and Government Reform

3. Transmittal letters are required for all reports requested by members of Congress, required by legislation, or required by report language. The OIG Components shall coordinate with the OCCL to determine the proper addressees.

4. Depending on the subject matter of the report, it may be appropriate to provide copies to congressional members, committees, and subcommittees outside of the six oversight committees. It is the responsibility of the OIG Components to determine which additional committees have an interest in reports. The OIG Components should coordinate with the OCCL when determining what if any additional congressional committees should be included.

5. The OIG Components shall provide final reports with significant issues to the Secretary of Defense and OCCL two business days prior to public release. The OCCL will provide copies of final reports with significant issues to the Office of the Secretary of Defense for Legislative Affairs and the Office of the Secretary of Defense for Public Affairs prior to public release.

6. The U.S. Postal Service is not to be used to send classified reports to the Congress; the OCCL shall hand carry the classified reports to Congress. Attach SD Form 120, "Receipt for Classified Material, OSD" to the outside of the envelope as prescribed in reference (h). Classified reports hand carried by the OCCL do not require an outer wrapper. The OCCL uses a secure container in place of an outer wrapper.

E. Preparing and Submitting Comments on Legislation

1. The IG has a responsibility to "review existing and proposed legislation and regulations relating to programs and operations of [the Department of Defense] and to make recommendations in the semiannual reports required by [the IG Act] concerning the impact of

such legislation or regulations on the economy and efficiency in the administration of programs and operations administered or financed by [the Department of Defense] or the prevention and detection of fraud and abuse in such programs and operations,” (paragraph 4(a)(2) of reference (a)).

2. The AIG-OCCL is responsible for overseeing the preparation and submission of comments on legislation and regulations. The OCCL shall assign to the appropriate OIG Components items for comment from the following sources:

- a. legislation and regulations received from the DoD, Office of Legislative Counsel, to include the annual DoD legislative program pursuant to references (i) and (c);
- b. items provided to the OIG for comment by a Member of Congress or by a congressional committee professional staff member;
- c. items being considered by Congress that the OCCL identifies as having an impact on the OIG programs and operations or having an impact on matters under consideration by the OIG;
- d. items referred to the OIG for comment by the President’s Council on Integrity and Efficiency as established by E.O. 12625 (reference (j)); and
- e. appeals to provisions or language in annual authorization and appropriation bills.

3. The OIG Components provided legislation for review are responsible for reviewing the proposed legislation and providing any comments to the OCCL within prescribed timeframes.

4. The OCCL is responsible for consolidating responses from the OIG Components and providing the proposed consolidated response to the appropriate requesting offices under the IG signature.

F. Congressional Hearings

1. The AIG-OCCL shall serve as the focal point of contact for the OIG participation in hearings before congressional committees. The AIG-OCCL shall immediately notify the IG and the PDIG upon receipt of an invitation for the OIG to provide testimony for a hearing.

2. The IG shall designate the witness(es) to represent the OIG at the hearing and designate an OIG Component to be the lead in drafting the prepared statement.

3. The AIG-OCCL and the OCCL are responsible for working with congressional staff and the OIG Components to prepare the OIG witness(es) for participation in congressional hearings, and assist the lead OIG Component in preparing backup material.

4. The AIG-OCCL is responsible for coordinating as appropriate with other witnesses from the DoD, the executive agencies, and the GAO.

5. The lead OIG Component preparing the statement is responsible for ensuring (1) factual accuracy and (2) coordination with the OCCL and other appropriate OIG Components. The OIG Components shall provide coordination within 24 hours.

6. The AIG /OCCL is responsible for coordinating the prepared hearing statement with the appropriate offices within the DoD to include the Office of Security Review and for providing copies to the congressional committee holding the hearing in a timely manner. As provided in section 4.5 of reference (k), the IG, as an independent and objective office in the DoD, is exempt from the policy review provisions of reference (k).

7. The AIG-OCCL shall provide a representative to attend the hearing and provide administrative assistance to the OIG witness.

8. The AIG-OCCL is responsible for hearing follow-up to include:

a. reviewing the official transcript; transcripts shall be reviewed and edited for grammar by the OIG witness, reviewed for accuracy of the technical references and content by the lead OIG Component responsible for preparing the statement; and shall also be approved by the IG before being returned to the congressional committee that held the hearing;

b. ensuring that any information to be provided for the record is returned to the congressional committee, that held the hearing, with the transcript or in accordance with timeframes established by the committee; and

c. ensuring that questions for the record provided after the hearing are assigned to the appropriate OIG Component and that the OIG response is returned to the congressional committee that held the hearing in accordance with the timeframes established by that congressional committee.

G. Participation in Meetings

1. The AIG-OCCL serves as the central point of contact for (1) requests from congressional offices to meet with the OIG Components and (2) requests by the OIG Components to meet with congressional offices.

2. The OIG Components shall coordinate congressional contacts and meetings with the OCCL. Congressional requests for meetings received directly by the OIG personnel will be forwarded to the OCCL for coordination and further action.

3. The OIG Components requesting a meeting with congressional staff shall obtain prior consent for the meeting from their Component DIG.

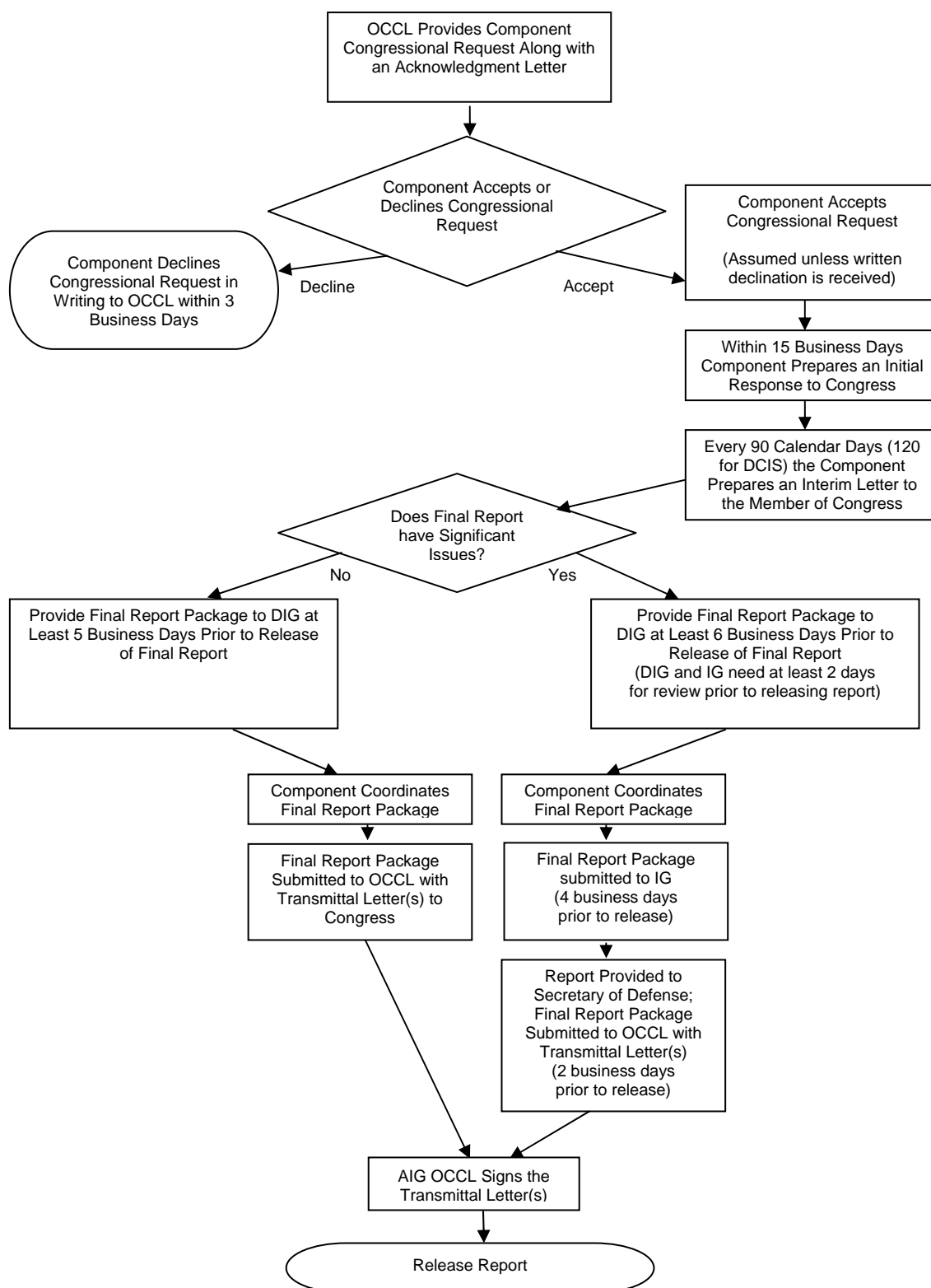
4. The OCCL shall advise the IG and the PDIG of proposed meetings with members of Congress and their staff prior to formal arrangement of the meeting.
5. The OCCL shall expeditiously contact the appropriate members of Congress or their staff to coordinate the requested meeting (usually within 5 days).
6. The AIG-OCCL shall provide a representative to attend meetings between the OIG Components and members of Congress and their staff. The AIG-OCCL shall advise the IG and appropriate DIG of significant issues raised during a meeting and if the meeting resulted in additional requests for information or further action by the OIG.

**APPENDIX A
REFERENCES**

- a. Inspector General Act of 1978, as amended
- b. DoD Directive 5106.01, *Inspector General of the Department of Defense*, April 13, 2006
- c. DoD Directive 5142.1, *Assistant Secretary of Defense (Legislative Affairs)*, September 15, 2006
- d. DoD Directive 5400.7, *DoD Freedom of Information Act (FOIA) Program*, October 28, 2005
- e. DoD Directive 5400.11, *DoD Privacy Act Program*, November 16, 2004
- f. IGDINST 5400.7, *Freedom of Information Act (FOIA) Program*, May 11, 2006
- g. IGDINST 5400.11, *Privacy Act Program*, May 11, 2006
- h. IGDM 5200.1, *Information Security Program Manual*, June 3, 2003
- i. Office of Management and Budget Circular A-19, *Legislative Coordination and Clearance*, September 20, 1979
- j. Executive Order 12625, *Integrity and Efficiency in Federal Programs*, January 27, 1988
- k. DoD Directive 5230.9, *Clearance of DoD Information for Public Release*, April 9, 1996

APPENDIX B

CONGRESSIONAL CORRESPONDENCE FLOWCHART



APPENDIX C
DISTRIBUTION OF THE OFFICE OF INSPECTOR GENERAL
WORK PRODUCTS TO CONGRESS

	Oversight Distribution	Upon Request Any Member	Upon Request Chrmn/Ranking	No Distribution
UNCLASSIFIED REPORTS				
OIG Published Reports ¹	X	X	X	
FOUO REPORTS				
OIG Published Reports	X	(Redacted Copy)	X	
CLASSIFIED REPORTS				
Published Reports (Cont. Proprietary)	X	(Redacted Copy)	X	
Published Reports (Confid./Secret)	X	(Redacted Copy)	X	
Published Reports (TS/SCI) ²	X ²		X	
Draft Reports				X ³
CRIMINAL INVESTIGATIONS				
Criminal Invest. – Closed		(Redacted Copy)	X	
Criminal Invest. – Open				X ⁴
ADMINISTRATIVE INVESTIGATIONS/HOTLINE				
Hotline Reports – Closed		(Redacted Copy) ⁵	X	
Mil. Reprisal Invest. – Closed		(Redacted Copy) ⁶	X	
Civ. Reprisal Invest. – Closed		(Redacted Copy) ⁵	X	
Senior Official Invest. – Closed		(Redacted Copy)	X	
Admin. Invest. – Open				X ⁴

¹ The OIG published reports include final Audit, Investigative Policy Oversight, Audit Policy and Oversight, Inspections and Evaluation, and Intelligence reports. Exceptions to this rule may apply. For example, the OIG does not provide to Congress reports regarding Base Realignment and Closure and oversight reports regarding the Defense Contract Audit Agency Quality Control System.

² The OIG provides TS reports to those congressional oversight committees with the ability to store TS information. When audit reports contain SCI information, the OIG provides congressional oversight committees a letter notifying them the report is available and can be

provided upon request. For reports that contain SCI information, notification letters will be sent and telephonic contact made with oversight committees to establish the interest of the congressional committee.

³ Draft reports are not released outside of the DoD or the Executive Branch. Draft audit reports may be briefed to congressional offices if approved by the IG or the DIG, generally, only after the management comments have been received on the draft and if there is an immediate need based upon imminent hearings or the drafting of legislation. Copies of the draft report are provided, in these rare circumstances, on a “read, not have” basis. Briefings to congressional offices on an ongoing audit are limited to the scope, methodology, objective, and general schedule of the audit.

⁴ Substantive information on open investigations is not provided to congressional offices in accordance with law enforcement exemptions contained in the FOIA/Privacy Act and the Federal Rules of Criminal Procedure. A final release determination, however, may be made after discussion with the U.S. Attorney coordinating the case.

⁵ Summarized results of investigations, excluding FOIA/Privacy Act exempt information, are provided to congressional requestors. (For certain high profile cases a redacted public release version of the Report of Investigation will also be prepared.)

⁶ Summarized results of administrative whistleblower investigations, including FOIA/Privacy Act information about the complainant, are provided to congressional requestors who have obtained a privacy consent waiver from the complainant. Complainants are provided redacted Reports of Investigation as required by Section 1034 of 10 U.S.C., *Military Whistleblower Protection*, Section 2409 of 10 U.S.C., *Contractor Employees: Protection from Reprisal for Disclosure of Certain Information*, and Section 1587 of 10 U.S.C., *Employees of Nonappropriated Fund Instrumentalities: Reprisals*.